

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

In Re: SOUTHERN MARINE
TOWING & SALVAGE, INC.
d/b/a TOW BOAT U.S.
NAPLES/MARCO ISLAND,

Case No. 2:21-cv-137-SPC-NPM
IN ADMIRALTY

Petitioner.

ORDER

Before the Court is a Notice of and Request for Entry of Default (Doc. 20). Petitioner requests the Court direct the Clerk to enter a default against all parties having an interest in this matter other than claimants Paul van Gils and Claudia van Gils. (Doc. 20, pp. 2-3). No response to the request for default was filed and the time to respond has lapsed.

In February 2021, Petitioner filed a Complaint and Petition for Exoneration From or Limitation of Liability pursuant to the Shipowner's Limitation of Liability Act, 46 U.S.C. § 30501 *et seq.* This action concerns an incident involving the subject vessel and a 42' Hallberg-Rassy Sailboat with claimants Paul and Claudia Van Gils aboard. (Doc. 1). The Court entered an Order Approving Ad Interim Stipulation of Value, and Directing Issuance of Limitation Injunction and Notice (Doc. 8). The Court directed all claimants to file their claims or answers with the Clerk of Court

by April 22, 2021 or be defaulted. (Doc. 8, p. 3). Only Paul and Claudia Van Gils filed an Answer and Third Party Complaint and Claim. (Docs. 10, 11).

Pursuant to Supplemental Rule F(4),¹ and Section 6(a) of the Admiralty and Maritime Practice Manual,² Petitioner filed a Proof of Publication, indicating the Clerk's Notice was published in the News-Press, a daily published newspaper in Lee County, Florida on the following dates: March 2, 2021, March 9, 2021, March 16, 2021, and March 23, 2021. (Doc. 20-1). The Notice stated that the failure to timely file a claim by April 22, 2021 will result in the claim being defaulted. (Doc. 20-1).

Petitioner has complied with the Supplemental Rules for Certain Admiralty and Maritime Claims, the Federal Rules of Civil Procedure, and the Court's Admiralty and Maritime Practice Manual. Accordingly, the Notice of and Request for Entry of Default (Doc. 20) is **GRANTED**. The Court directs the Clerk of Court to enter a Clerk's Default pursuant to Federal Rule of Civil 55(a) against all claimants except Paul van Gils and Claudia van Gils. By **July 1, 2021**, Petitioner shall file a motion for default judgment as to the defaulted parties.

¹ Supplemental Rule F(4) provides in part that the notice of claims "shall be published in such newspaper or newspapers as the court may direct once a week for four successive weeks prior to the date fixed for the filing of claims."

² Section 6(a) of the Admiralty and Maritime Practice Manual, provides: "[t]he plaintiff must publish the notice in accord with the provisions set forth in Supplemental Rule F(4) and Section 1(e)."

ORDERED in Fort Myers, Florida on May 27, 2021.



NICHOLAS P. MIZELL
UNITED STATES MAGISTRATE JUDGE